

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: CHARLES H. SWOYER, JR. and	:	CHAPTER 13
TERI L. SWOYER	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
	:	
vs.	:	
	:	
CHARLES H. SWOYER, JR.	:	
TERI L. SWOYER	:	
Respondent(s)	:	CASE NO. 1-16-bk-03277

TRUSTEE'S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 29th day of November, 2016, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required.
2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtor's have excess non-exempt equity in the following:
 - a. Residential real estate – CMA (Second request)
3. Trustee avers that debtor(s)' plan is not feasible due to the following:
 - a. Plan payments significantly exceed the base plan.
 - b. Secured claims not in plan (Wells Fargo Claim #8)
 - c. Unfiled claims for Five Points Auto Center.
 - d. The plan is underfunded relative to claims to be paid.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/James K. Jones
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 29th day of November, 2016, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

John Ferry, Jr., Esquire
931 Cumberland Street
Lebanon, PA 17042

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee